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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

JAN 26 2007

Application Number: 09/540,977

Filing Date: March 31, 2000

Appellant(s): GILJUM ET AL.

Technology Center 2100

Christopher J. Brokaw
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/08/2006 appealing from the Office action mailed 06/01/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 6,233,6 B1	Salas et al.	5-2001
US 2002/0133494 A1	Goedken	9-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. **Claims 21-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salas et al. (US006233600B1, filed 7/15/1997), and further in view of Goedken (US 20020133494A1, filed 5/21/2002).**

Regarding independent claim(s) 21, 27, Salas teaches receiving a request from a user to create a particular content item in a folder associated with the website (eRoom, col. 6, ll. 1-2). Salas teaches in response to the first request, inspecting permission data to determine that the user has create-privileges relative to the folder (col. 13, ll. 28-30). Salas teaches that in response to determining the user has permission to add the item, adding the item (col. 13, ll. 38-39). Salas teaches in response to receiving a second request (request for the page), providing a web page including content items that belong to that folder (col. 2, ll. 19-26, col. 5 ll. 6-12, Fig. 4), which includes a particular content item. Inherently, as the page was being created, since Salas is using the content item to create the page, there is a general inspection of the properties of the content items.

Salas does not explicitly disclose owner approval or selective visibility or the create-with-approval privilege. Goedken discloses a database system where additions (messages) to the system are not visible until approved by an administrator (para. 74). Therefore, the users have a create-with-approval privilege as the changes need approval. This means that since the change is in the system for review it has been “added”. To a normal user requesting the database, the database would not appear to have been changed and therefor the added item is in a not-publicly-visible state. After approval, the addition is accepted into the database, the addition will now be

publicly-visible and a request to the database will include that particular addition. In other words, in response to receiving input that grants approval for the particular item to be created, Goedken will change the state of the item to publicly visible.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the administrator review function of the database system of Goedken (para. 47), to the existing database system of Salas. This would have been desirable in order to prevent malicious users from vandalizing the database (Goedken, para. 74, ll. 1-8), and would be specific improvement to the database of Salas (col. 3, ll. 38-48).

This modification of the database of Salas with the teachings of Goedken by one of ordinary skill would have several effects on the invention of Salas. Namely it would add Goedken's feature of administrator review. The "create" privilege of Salas would be replaced by the "create-with-approval" privilege described above. Therefore Salas modified by Goedken would "in response to the first request, inspect[ing] permission data to determine that said user has **create-with-approval privileges** relative to said particular folder."

As described above, Goedken adds to the system in a not-publicly visible state. Therefore Salas modified by Goedken would teach "in response to determining that said user has **create-with-approval privileges** relative to said particular folder, adding said particular content item to said particular folder **in a not-publicly-visible state.**"

As described above, Goedken teaches upon receiving approval, changing a state to publicly visible. Therefore, applying the teaching of Goedken to the content item database and folders (eRooms) of Salas, would "in response to receiving input that grants approval for the

particular item to be created **in the particular folder**, changing the state of the particular **content item** to a publicly-visible state.”

Salas normally responds to the second request by providing a web page that contains all the items that belong to the rooms (see for example Fig. 4). Given the modifications taught by Goedken and described above, if the current state of the particular content item is publicly visible, then Salas will perform as in the un-modified case, that is, providing a web page that includes the particular content item.

If the current state of the content item is in the not-publicly-visible state, when Salas gathers the items that belong in the eRoom, it will not see the item in the database, given the modifications of Goedken described above. Therefore, it will provide a web page that does not include that particular content item.

Regarding dependent claim(s) 22, 28, Salas teaches storing the content item in a database in a location the identifies the content item resides in the folder (col. 3, ll. 33-37).

Regarding dependent claim(s) 23, 29, Salas teaches that the database stores information about the objects being in an eRoom, thereby establishing a mapping between the item and the folder (col. 3, ll. 33-37).

Regarding dependent claim(s) 24, 30, Salas teaches owners assigning users permissions (col. 14, ll. 44-46).

Regarding dependent claim(s) 25, 31, Salas teaches a specific permission that allows an owner to create a folder (col. 3, ll. 57-61). Salas teaches one of the attributes of a folder is the style of the folder (way the page’s data is presented, col. 7, ll. 8-10). Although it is described as being in the template, the template is part of the folder (eRoom col. 7, ll. 8-10). Inherently, this style is

created with the folder. Therefore, in response to owner input, a style is associated with the folder. Salas teaches displaying the folder (col. 6, ll. 43-45) and that is displayed in accordance with the style (way the page's data is presented, col. 7, ll. 8-10).

Regarding dependent claim(s) 26, 32, Salas and Goedken do not specifically address an administrator or coordinator adding data. However, given the obviousness of the combination as described above, it would have been further obvious to one of ordinary skill in the art at the time of the invention to directly add those items added by an owner as publicly visible. The motivation for this lies in the problem to be solved. The purpose of the feature of Goedken is to prevent malicious use and assure owner approval. Items created by the owner would have the implied approval of the owner, and would have no need to be entered in a not-publicly-visible state. Therefore, Salas as modified by Goedken suggests that when the user is a folder owner, the content item should be added to the folder in a publicly visible state.

(10) Response to Argument

The bulk of Appellant's arguments rely on the fact that none of the elements of the claim in their entirety are found in either Salas or Goedken. However, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Regarding Applicant's remarks on pp. 9-10:

Appellant argues (pp. 9-10) that the elements are not suggested by either reference. However, the rejection is based on the combination of the two references and that must be taken into account. The modification of the database of Salas with the teachings of Goedken by one of

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ordinary skill would have several effects on the invention of Salas. Namely it would add Goedken's feature of administrator review. The "create" privilege of Salas would be replaced by the "create-with-approval" privilege described above. Therefore Salas modified by Goedken would "in response to the first request, inspect[ing] permission data to determine that said user has **create-with-approval privileges** relative to said particular folder."

As described above, Goedken adds to the system in a not-publicly visible state. Therefore Salas modified by Goedken would teach "in response to determining that said user has **create-with-approval privileges** relative to said particular folder, adding said particular content item to said particular folder **in a not-publicly-visible state.**"

As described above, Goedken teaches upon receiving approval, changing a state to publicly visible. Therefore, applying the teaching of Goedken to the content item database and folders (eRooms) of Salas, would "in response to receiving input that grants approval for the particular item to be created **in the particular folder**, changing the state of the particular **content item** to a publicly-visible state."

Salas normally responds to the second request by providing a web page that contains all the items that belong to the rooms (see for example Fig. 4). Given the modifications taught by Goedken and described above, if the current state of the particular content item is publicly visible, then Salas will perform as in the un-modified case, that is, providing a web page that includes the particular content item.

If the current state of the content item is in the not-publicly-visible state, when Salas gathers the items that belong in the eRoom, it will not see the item in the database, given the

modifications of Goedken described above. Therefore, it will provide a web page that does not include that particular content item.

Regarding Applicant's remarks on p. 11-12:

Appellant alleges that Salas is fundamentally different from the claims. Appellant argues that Salas is missing several features and therefore teaches none of the elements. However, as stated above, Appellant is ignoring the combination of the references. Salas is not being relied on for what Appellant alleges is missing.

Regarding Applicant's remarks on p. 12-13:

Appellant alleges that Goedken is fundamentally different from the claims. Appellant argues that Goedken is missing several features and therefore teaches none of the elements. Appellant alleges that Goedken does not teach a folder, adding an item to the folder, or a web site. Goedken is not relied upon for any of these features. As stated above, Appellant is ignoring the combination of the references. Goedken is not being relied on for what Appellant alleges is missing. Goedken is used specifically to suggest modifications to the database of Salas.

Regarding Applicant's remarks on P. 14-17:

Appellant alleges that the claim is not being considered as a whole. Appellant argues that a proper obviousness rejection must show “(1) element X is shown in reference A, (2) element Y is shown in reference B, and (3) there is some actual suggestion to combine the references A and B to create the mechanism or technique that has both elements X and Y.” Appellant also alleges that “a claim may not be properly rejected simply because each word or phrase in the claim appears or is discussed in a prior art reference, without regard to what meaning is ascribed to the word or phrase given its placement in the claim.” The Office submits that assertion is not true

per se. The Office recognizes that the fragments cannot be viewed in isolation, but must be regarded in the context of the claim as a whole. The Office submits that was done in this case. A specific motivation and explanation of how the claimed elements are suggested by the references is found in the rejections. This takes into full account the placement of the words and phrases in the claim as a whole. Appellant merely alleges that the claim is not being considered as a whole, but fails to point out why that is the case. Appellant finally again alleges that neither reference teaches the individual elements without taking into account the combination of the elements.

Appellant alleges (p. 17, para. 1) that Goedken teaches “one needs administrator approval before performing an action. However, that is not the case. As described above in more detail, Goedken teaches accepting items (messages) into a database. That is directly analogous the approval of content items in the claims.

Regarding Applicant's remarks on p. 17-18:

Appellant alleges that the Office has not supplied a motivation for combining the references. Firstly, Applicant misquotes the last Office Action. The second word of the quoted portion was originally “modification” not “motivation” as Applicant misquotes. This portion was never intended by the Office to recite the motivation to combine the references but instead an attempt to explain how the claimed elements were taught by the combination of the references. The portion of the rejection directly preceding the portion Appellant cited, however, does contain a proper motivation that is repeated in the rejections herein. “It would have been obvious to one of ordinary skill in the art at the time of the invention to add the administrator review function of the database system of Goedken (para. 47), to the existing database system of

Salas. This would have been desirable in order to prevent malicious users from vandalizing the database (Goedken, para. 74, ll. 1-8), and would be specific improvement to the database of Salas (col. 3, ll. 38-48)."

Regarding Applicant's remarks on p. 19, regarding dependent claims 25 and 31:

Appellant alleges the template is not analogous to a folder. However, the template is part of the folder (col. 7, ll. 8-10).

Regarding Applicant's remarks on pp. 19-20, regarding dependent claims 26 and 32:

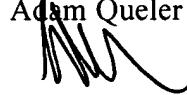
Appellant alleges that neither Goedken nor Salas teach the features of the claim. However, Appellant does not consider the references in combination as described in the rejection. Given the obviousness of the combination described in the rejections, it would have been further obvious to one of ordinary skill in the art at the time of the invention to directly add those items added by an owner as publicly visible. The motivation for this lies in the problem to be solved. The purpose of the feature of Goedken is to prevent malicious use and assure owner approval. Items created by the owner would have the implied approval of the owner, and would have no need to be entered in a not-publicly-visible state. Therefore, Salas as modified by Goedken suggests that when the user is a folder owner, the content item should be added to the folder in a publicly visible state.

(11) Related Proceeding(s) Appendix

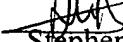
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Adam Queler


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